



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Fourteenth Meeting Day

Tuesday Afternoon

February 4, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Danny Wolford, First Christian Church, Greensburg, the guest of Representative Cleo R. Duncan.

The Pledge of Allegiance to the Flag was led by Representative Duncan.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ☐
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler ☐	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 44: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 6, 2003, at 10:00 a.m.

DICKINSON

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 94, 117, 120, 257, 267, and 311 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## HOUSE BILLS ON SECOND READING

### HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1730 be returned to the second reading calendar for the purpose of amendment.

AGUILERA

Motion prevailed.

### House Bill 1116

Representative Kuzman called down House Bill 1116 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1218

Representative Grubb called down House Bill 1218 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1218-2)

Mr. Speaker: I move that House Bill 1218 be amended to read as follows:

Page 7, line 35, delete "five" and insert "**two**".

Page 7, line 36, after "hundred" insert "**fifty**".

Page 7, line 36, delete "(\$500)" and insert "**(\$250)**".

Page 9, line 26, delete "2004." and insert "**2003.**".

Page 10, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 12. IC 22-15-5-7, AS ADDED BY P.L.119-2002, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **After March 1, 2004**, an individual may not act as an elevator contractor unless the individual:

(1) holds an elevator contractor license issued under this chapter; or

(2) is an employee of a partnership, a limited partnership, a corporation, or an educational institution that holds an elevator contractor license issued under this chapter.

(b) **After March 1, 2004**, a partnership, a limited partnership, a corporation, or an educational institution may not act as an elevator contractor unless it holds an elevator contractor license issued under this chapter.

(c) An individual who is an applicant for an elevator contractor license shall:

(1) hold a valid elevator contractor license issued by another state that has a licensing program that, as determined by the

department or the commission, is equivalent to the elevator contractor licensing program established under this chapter; or (2) except as otherwise provided, satisfy both of the following requirements:

- (A) Have at least five (5) years of documented work experience in the elevator industry in construction, maintenance, and service or repair in Indiana.
- (B) Successfully complete a written competency examination approved by the commission.

An applicant for an elevator contractor license is entitled to a license without examination if the applicant applies for the license on or before March 1, ~~2003~~ **2004**.

(d) A corporation or an educational institution that is an applicant for an elevator contractor license must have at least one (1) officer or employee of the corporation or an educational institution that holds a valid elevator contractor license issued under this chapter. A license granted to a corporation or an educational institution to act as an elevator contractor under this chapter becomes invalid when an officer or employee of the corporation or educational institution no longer holds a valid elevator contractor license issued under this chapter.

(e) A partnership or limited partnership that is an applicant for an elevator contractor license must have at least one (1) partner or general partner that holds a valid elevator contractor license issued under this chapter. A license granted to a partnership or limited partnership to act as an elevator contractor under this chapter becomes invalid when the partner of a partnership or general partner of a limited partnership named in the application no longer holds a valid elevator contractor license as provided by this chapter.

SECTION 13. IC 22-15-5-11, AS ADDED BY P.L.119-2002, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) **After March 1, 2004**, an individual may not act as an elevator inspector unless the individual holds an elevator inspector license issued under this chapter.

(b) An individual who is an applicant for an elevator inspector license shall meet the standards set forth in American Society of Mechanical Engineers (ASME) American National Standard QEI-1 (Standard for the Qualification of Elevator Inspectors) or other nationally accepted standard qualifying authority that the commission has determined has equivalent requirements as ASME QEI-1 for obtaining and retaining certification.

(c) An applicant for an initial elevator inspector license must do the following:

- (1) Submit to the department an application provided by the department that contains the following information:
  - (A) The name, address, telephone number, and electronic mail address of the applicant.
  - (B) Any other information the department requires.
- (2) Submit to the department any proof of eligibility the department requires.
- (3) Demonstrate proof of insurance as required by section 14 of this chapter.
- (4) Pay the license fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.
- (5) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.
- (d) An applicant for a renewal elevator inspector license shall:
  - (1) Submit to the department an application provided by the department that contains the following information:
    - (A) The name, address, telephone number, and electronic mail address of the applicant.
    - (B) Any other information the department requires.
  - (2) Submit proof of completion of the continuing education required by section 15 of this chapter.
  - (3) Demonstrate proof of insurance as required by section 14 of this chapter.
  - (4) Pay the license fee established under IC 22-12-6-6. The license fee is nonrefundable and must be paid each time an applicant submits an application.

(5) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(e) An initial elevator inspector license issued under this chapter expires on December 31 of the second year after the license was issued.

(f) A renewal of an elevator inspector license is valid for two (2) years.

(g) An individual who engages in the business of an elevator inspector shall carry the individual's license and present the license for inspection by a representative of the department upon request.

(h) If the QEI-1 certification or other certification standard approved by the commission that made the individual eligible for an inspector license under subsection (b):

- (1) is terminated;
- (2) expires; or
- (3) becomes invalid for any other reason;

the elevator inspector's license immediately becomes invalid.

SECTION 14. IC 22-15-5-12, AS ADDED BY P.L.119-2002, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) **After March 1, 2004**, an individual may not act as an elevator mechanic unless the individual holds an elevator mechanic license issued under this chapter. A license is not required for an elevator apprentice.

(b) An individual who is an applicant for an elevator mechanic license must meet one (1) of the following eligibility criteria:

(1) Hold an active elevator mechanic license issued by a state that has a licensing program that is at least equivalent to the elevator mechanic licensing program established under this chapter.

(2) Satisfy both of the following:

(A) Have at least one (1) of the following types of work experience or training:

(i) Have at least three (3) years of documented work experience in the elevator industry in construction, maintenance, and service or repair.

(ii) Have at least eighteen (18) months experience in the elevator industry in construction, maintenance, and service or repair and have at least three (3) years experience in a related field that is certified by a licensed elevator contractor.

(iii) Complete an apprenticeship program that is registered with the Bureau of Apprenticeship and Training of the United States Department of Labor or a state apprenticeship program and that the commission determines is at least equivalent to three (3) years of work experience in the elevator industry in construction, maintenance, and service or repair.

(B) Successfully complete a written competency examination approved by the commission.

(3) Successfully complete an elevator mechanic's program that consists of a combination of extensive training and a comprehensive examination that the commission has determined is at least equivalent to both the work experience required under subdivision (2)(A)(i) and the competency examination established under subdivision (2)(B).

(4) Furnish acceptable proof to the department of:

(A) at least three (3) years work experience in the elevator industry in construction, maintenance, service or repair; and

(B) current performance of the duties of an elevator mechanic in Indiana without direct supervision;

and apply for the license on or before March 1, ~~2003~~ **2004**.

(c) An applicant for an initial elevator mechanic license must do the following:

(1) Submit to the department an application provided by the department that contains the following information:

(A) The name, business address, telephone number, and electronic mail address of the applicant.

(B) Any other information the department requires.

(2) Submit to the department any proof of eligibility the department requires.

(3) Pay the nonrefundable and nontransferable license fee

established under IC 22-12-6-6.

(4) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(d) An applicant for a renewal elevator mechanic license must do the following:

(1) Submit to the department an application provided by the department that contains the following information:

(A) The name, business address, telephone number, and electronic mail address of the applicant.

(B) Any other information the department requires.

(2) Submit proof of completion of the continuing education required by section 15 of this chapter.

(3) Pay the nonrefundable and nontransferable license fee established under IC 22-12-6-6.

(4) Affirm under penalty of perjury that all information provided to the department is true to the best of the applicant's knowledge and belief.

(e) An initial elevator mechanic license issued under this chapter expires on December 31 of the second year after the license was issued.

(f) A renewal of an elevator mechanic license is valid for two (2) years.

(g) An individual engaged in the business of an elevator mechanic shall carry the individual's license and present the license for inspection by a representative of the department upon request."

Page 16, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 20. P.L.119-2002, SECTION 33, IS REPEALED [EFFECTIVE UPON PASSAGE]."

Page 18, after line 34, begin a new paragraph and insert:

"SECTION 25. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1218 as printed January 31, 2003.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

## House Bill 1407

Representative Ripley called down House Bill 1407 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1085

Representative Goodin called down Engrossed House Bill 1085 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 45: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lewis.

### Engrossed House Bill 1110

Representative Cheney called down Engrossed House Bill 1110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 46: yeas 44, nays 53. The bill was defeated.

### Engrossed House Bill 1164

Representative Dickinson called down Engrossed House Bill 1164 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Dickinson withdrew the call of Engrossed House Bill 1164.

### Engrossed House Bill 1216

Representative Fry called down Engrossed House Bill 1216 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 47: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

### Engrossed House Bill 1237

Representative Torr called down Engrossed House Bill 1237 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 48: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Bray, Antich, and Lubbers.

### Engrossed House Bill 1358

Representative V. Smith called down Engrossed House Bill 1358 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 49: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark, Dillon, and Rogers.

### Engrossed House Bill 1359

Representative V. Smith called down Engrossed House Bill 1359 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 50: yeas 51, nays 45. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Drozda and Craycraft.

### Engrossed House Bill 1368

Representative Foley called down Engrossed House Bill 1368 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 51: yeas 92, nays 1. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

### Engrossed House Bill 1395

Representative Becker called down Engrossed House Bill 1395 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 52: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Miller.

### Engrossed House Bill 1399

Representative Summers called down Engrossed House Bill 1399 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 53: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Antich.

### Engrossed House Bill 1469

Representative Borrer called down Engrossed House Bill 1469 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Wyss, and Lanane.

### Engrossed House Bill 1584

Representative Summers called down Engrossed House Bill 1584 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1568 had been referred to the Committee on Ways and Means.

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House

Bill 1074, Roll Call 32, on January 30, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the voting machine had already been closed; I intended to vote nay."

SCHOLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 32 to 53 yeas, 41 nays.*]

### HOUSE MOTION

Mr. Speaker: I move that Representatives Porter, Ulmer, and GiaQuinta be added as coauthors of House Bill 1049.

FRENZ

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Chowning, Frenz, and Mahern be added as coauthors of House Bill 1082.

WEINZAPFEL

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be added as coauthor of House Bill 1085.

GOODIN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be added as coauthor of House Bill 1102.

KOCH

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives D. Young, L. Lawson, and Ulmer be added as coauthors of House Bill 1122.

PORTER

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1151.

LYTLE

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Whetstone and Ruppel be added as coauthors of House Bill 1197.

LYTLE

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as coauthor of House Bill 1209.

HERRELL

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1274.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Lutz be added as coauthor of House Bill 1282.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Scholer and Porter be added as coauthors of House Bill 1324.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of House Bill 1379.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stutzman and Cherry be added as coauthors of House Bill 1422.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stevenson, Frizzell, and Behning be added as coauthors of House Bill 1515.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Richardson and Budak be added as coauthors of House Bill 1541.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1600.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1623.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kuzman and Bottorff be added as coauthors of House Bill 1657.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heim be added as coauthor of House Bill 1671.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wolkins be added as coauthor of House Bill 1690.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Lutz be added as coauthor of House Bill 1723.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dvorak, Heim, and Thomas be added as coauthors of House Bill 1724.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1734.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1786.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be removed as author of House Bill 1833, Representative Reske be removed as coauthor, Representative Reske be substituted as author, and Representative Saunders be added as coauthor.

SAUNDERS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Aguilera, the House adjourned at 3:00 p.m., this fourth day of February, 2003, until Thursday, February 6, 2003, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives